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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

DAVID H. LUTHER, et al.,
Individually and On Behalf of All
Others Similarly Situated,

Plaintiffs,

vs.

COUNTRYWIDE FINANCIAL
CORPORATION, et al.,

Defendants.

No. 2:12-cv-05125-MRP(MANx)

CLASS ACTION

DECLARATION OF SPENCER A.
BURKHOLZ IN SUPPORT OF
PLAINTIFFS' OPPOSITION TO THE
COUNTRYWIDE DEFENDANTS'
MOTION TO DISMISS

DATE: February 25, 2013

TIME: 11:00 a.m.

CTRM: 12, Hon. Mariana R. Pfaelzer

[Caption continued on following page.]

WESTERN CONFERENCE OF
TEAMSTERS PENSION TRUST
FUND, Individually and On Behalf of
All Others Similarly Situated,

Plaintiff,

vs.

COUNTRYWIDE FINANCIAL
CORPORATION, et al.,

Defendants.

No. 2:12-cv-05122-MRP(MANx)

CLASS ACTION

1 I, SPENCER A. BURKHOLZ, declare as follows:

2 1. I am an attorney duly licensed to practice before all of the courts of the
3 State of California and this District Court. I am a member of the law firm of Robbins
4 Geller Rudman & Dowd LLP, one of the counsel of record for plaintiffs in the above-
5 entitled action. I have personal knowledge of the matters stated herein and, if called
6 upon, I could and would competently testify thereto.

7 2. Attached are true and correct copies of the following exhibits:

8 Exhibit A: Appendix A to Defendants' Demurrer dated December 19, 2011;

9 Exhibit B: Complaint for Violations of §§11, 12(a)(2) and 15 of the
10 Securities Act of 1933 filed November 14, 2007 in *Luther v.*
11 *Countrywide Fin. Corp.*, No. BC380698 (Los Angeles Super. Ct.);

12 Exhibit C: Class Action Complaint for Violation of §§11, 12(a)(2) and 15 of
13 the Securities Act of 1933 filed June 12, 2008 in *Washington State*
14 *Plumbing & Pipefitting Pension Trust v. Countrywide Fin. Corp.*,
15 No. BC392571 (Los Angeles Super. Ct.);

16 Exhibit D: Plaintiffs' Amended Complaint for Violations of §§11, 12(a)(2)
17 and 15 of the Securities Act of 1933 filed Sept. 9, 2008 in *Luther*
18 *v. Countrywide Fin. Corp.*, No. BC380698 (Los Angeles Super.
19 Ct.);

20 Exhibit E: Consolidated Complaint for Violation of §§11, 12(a)(2) and 15 of
21 the Securities Act of 1933, filed October 16, 2008 in *Luther v.*
22 *Countrywide Fin. Corp.*, No. BC380698 (Los Angeles Super. Ct.);
23 and

24 Exhibit F: The Countrywide Defendants' Memorandum of Points and
25 Authorities in Support of Demurrer to Plaintiffs' Consolidated
26 Complaint filed March 6, 2009 in *Luther v. Countrywide Fin.*
27 *Corp.*, No. BC380698 (Los Angeles Super. Ct.).
28

1 I declare under penalty of perjury under the laws of the United States of
2 America that the foregoing is true and correct. Executed this 21st day of January,
3 2013, at San Diego, California.

4 s/ SPENCER A. BURKHOLZ
5 SPENCER A. BURKHOLZ
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CERTIFICATE OF SERVICE

I hereby certify that on January 21, 2013, I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the attached Electronic Mail Notice List, and I hereby certify that I caused to be mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on January 21, 2013.

s/ SPENCER A. BURKHOLZ
SPENCER A. BURKHOLZ

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Manual Notice List

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

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Mailing Information for a Case 2:12-cv-05125-MRP-MAN

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